

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS L. PAYNE, SID ARCHINAL,  
GARY H. KARESH, JO ANN KARESH,  
BELCA D. SWANSON AND MERLE K.  
SWANSON individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

ANTHONY J. DeLUCA, HARRY J. SOOSE,  
FRANCIS J. HARVEY, JAMES C.  
MCGILL, RICHARD W. POGUE, DANIEL  
A. D'ANIELLO, PHILIP B. DOLAN, E.  
MARTIN GIBSON, ROBERT F.  
PUGLIESE, JAMES DAVID WATKINS,  
and THE CARLYLE GROUP,

Defendants.

**CIVIL ACTION NO. 02-1927**

**CLASS ACTION**

**Chief Judge Donetta W. Ambrose**

ALBERT L. GLOVER, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

ANTHONY J. DeLUCA, HARRY J. SOOSE,  
FRANCIS J. HARVEY, JAMES C.  
MCGILL, RICHARD W. POGUE, DANIEL  
A. D'ANIELLO, PHILIP B. DOLAN, E.  
MARTIN GIBSON, ROBERT F.  
PUGLIESE, JAMES DAVID WATKINS,  
and THE CARLYLE GROUP,

Defendants.

**CIVIL ACTION NO. 03-0288**

**CLASS ACTION**

**Chief Judge Donetta W. Ambrose**

**LEAD PLAINTIFF'S NOTICE OF UNOPPOSED MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION SETTLEMENTS**

TO: Clerk, United States District Court, Western District of Pennsylvania:

PLEASE TAKE NOTICE that the undersigned counsel for Lead Plaintiffs shall move  
before the Honorable Donetta W. Ambrose of the United States District Court for the Western

District of Pennsylvania, located at 700 Grant Street, Pittsburgh, Pennsylvania, for entry of two Orders (a) preliminarily certifying the Settlement Class; (b) preliminarily approving the settlements between Lead Plaintiffs, and Defendants; (c) approving notices to the Class of the proposed Settlements, in substantially the same form as the Notice of Pendency and Proposed Settlement of Class Action and Settlement Hearing; and (d) scheduling a final approval hearing for a date at the Court's convenience. The Defendants do not oppose this motion.

Dated: April 21, 2009

GLANCY BINKOW & GOLDBERG LLP

By: /s/ Lionel Z. Glancy  
Lionel Z. Glancy

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Lead Counsel for Plaintiffs